

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

OPTIMUMPATH LLC,

Plaintiff,

v.

BELKIN INTERNATIONAL INC., CISCO-
LINKSYS, LLC, D-LINK SYSTEMS, INC.,
NETGEAR, INC. AND SMC NETWORKS, INC.,

Defendants.

No. C 09-01398 CW

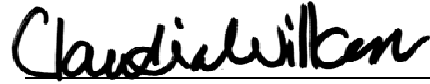
ORDER DENYING
WITHOUT PREJUDICE
DEFENDANTS'
MOTION TO
PRECLUDE
PLAINTIFF FROM
ASSERTING A
THEORY OF
INFRINGEMENT
UNDER THE
DOCTRINE OF
EQUIVALENTS AND
TO STRIKE
PORTIONS OF DR.
DAHLBERG'S EXPERT
REPORT
(Docket No. 225)

On November 4, 2010, Defendants filed a motion to preclude Plaintiff from asserting a theory of infringement, and to strike portions of Dr. Dahlberg's report discussing that theory. Docket No. 225 (Redacted Version). The Court denies Defendants' motion without prejudice because it does not comply with the Court's case management order. Docket No. 156. As set by that order, December 2, 2010 is the deadline for Plaintiff to file its opening brief regarding claim construction, seeking the exclusion of experts

1 under Daubert, and/or summary judgment. Defendants are to file an
2 opposition and cross-motion in a single brief. Defendants may
3 include their request to preclude and strike in that brief.

4 IT IS SO ORDERED.

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6
7 Dated 11/30/2010



CLAUDIA WILKEN
United States District Judge